IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8880 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAYATRI RATILAL RAVAL & 1 - Petitioner(s)
Versus
DISTRICT PRIMARY EDUCATION & 2 - Respondent(s)

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Appearance :
MR MP PRAJAPATI for Petitioner(s) : 1 - 2.MR NC SHAH for Petitioner(s) : 1 - 2.
Mrs. Kiran Pande, Asst.GOVERNMENT PLEADER for Respondent(s) : 1 - 3.
MR HS MUNSHAW for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 28/12/2006

ORAL JUDGMENT

By way of present Special Civil Application under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate writ, order or direction directing

the respondent No.1 to give appointment to the petitioners as Primary Teachers.

2. It is the case on behalf of the petitioners that pursuant to advertisement dated 10.11.1994 they applied for the post of Primary Teachers as they were duly qualified and havng requisite qualification of SSC and PTC. It is the case on behalf of the petitioners that they were called for interview on 1.12.1996 and the petitioners appeared before the Interview Committee along with original certificates pursuant to which the petitioners were placed in the select list/waiting list. It is the contention on behalf of the petitioners that as the petitioners were placed in the select/waiting list and at the relevant time no fresh list was prepared the respondents were required to give appointment orders to the petitioners on the basis of such selection. The petitioners have therefore filed the present Special Civil

Application.

3. It is required to be noted that as per the provisions of The Gujarat Panchayat Service [Recruitment of Primary Teachers] Rules, 1970, the validity period of select list/waiting list shall be one year only and therefore the period of validity of the select list/waiting list upon which reliance has been placed by the petitioners was already over. Even otherwise, as per the cardinal principles of law and even as per the catena of decisions of Hon'ble Supreme Court, a candidate placed in a select list/waiting list cannot claim appointment as a matter of right. Under the circumstances and for the reasons stated above, more particularly when the validity period of select list/waiting list upon which reliance has been placed is already over as per the recruitment rules, the petitioners are not entitled to any relief as prayed for.

4. For the aforesaid reasons, the petition

is dismissed. Rule is discharged. No costs.

[M.R. Shah, J.]

rmr.